IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Second Appeal No.243 Of 2006.

Smt. Abeda and Others Vs. Mohd. Tasleem Khan & Others

Date Of Order ::: 06.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. Ashvin Garg, Counsel for defendant-appellants.

By the Court :

Heard learned counsel for the defendant-appellants.

The plaintiff-respondents filed a suit for partition, which was dismissed by the Lower Court. However, on an appeal filed on behalf of the plaintiffs, the suit for partition was partly decreed by the First Appellate Court and it was held that the plaintiff is entitled for 1/8th share in the property, in dispute.

I have considered the submissions of learned counsel for the defendant-appellants in the light of

the findings of the First Appellate Court and I find that the controversial issues involved in the present case relate to the question of facts and there is a finding of fact of the First Appellate Court, which cannot be interfered with by this Court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed in limine.

(Narendra Kumar Jain) J.

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